

## **REMARKS**

### **I. Status of the Claims**

Claims 1, 3-25 and 27-57 are pending in the application. Claims 17-19, 22, 41-43, 46 and 49-55 stand withdrawn pursuant to a restriction requirement, and thus claims 1, 3-16, 20, 21, 23, 25, 27-40, 44, 45, 47, 56 and 57 are under examination and stand rejected, variously, under 35 U.S.C. §112, first paragraph, 35 U.S.C. §102 and 35 U.S.C. §103. Claims 24 and 48 are objected to as depending on a rejected base claim, but are otherwise allowable. The details of the rejections, and applicants' response thereto, are set out in detail below.

### **II. Objections/Rejoinder**

Claims 15, 20, 39 and 44 are objected to as containing non-elected embodiments. These claims have been canceled. Applicants further request rejoinder of claims 50-54 as containing all the limitations of elected (and now allowable) claim 1.

### **III. Rejections Under 35 U.S.C. §112, First Paragraph**

#### **A. Enablement**

Claims 1, 3-16, 20, 21, 23, 27-40, 44, 45, 47, 56 and 57 are rejected as lacking enablement for anything other than a bispecific antibody comprising SEQ ID NO:1, wherein the antibody binds specifically to CD3 and EpCAM. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite the subject matter indicated by the examiner to be enabled (*i.e.*, the subject matter of claims 24 and 48). This amendment is provided without prejudice or disclaimer to one or more continuing applications pursuing the canceled subject matter. Reconsideration and withdrawal of the rejection is therefore requested.

**B. Written Description**

Claims 1, 3-16, 20, 21, 23, 25-40, 44, 45, 47, 56 and 57 are rejected as lacking written description for binding specificity of all bispecific antibodies, variable domains in a first CDR and variable domains in a second CDR from any antibody. Applicants traverse, but as noted above, the claims have been amended to recite the subject matter said by the examiner to be adequately described. Reconsideration and withdrawal of the rejection is, therefore, respectfully requested.

**IV. Rejections Under 35 U.S.C. §102**

Claims 1-3, 5, 7, 8, 11-16, 20, 21, 23, 27-29, 31, 32, 35-40, 44, 45 and 47 stand rejected as anticipated by Mack *et al.* (1995) and/or Mack *et al.* (1997). Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to recite the subject matter of claims 24 and 48, which are not rejected. Reconsideration and withdrawal of the rejection is respectfully requested.

**V. Rejections Under 35 U.S.C. §103**

A total of nine different rejections are advance under §103 over most of the pending claims, where each rejection relies on the Mack *et al.* references cited above. However, claims 24 and 48 are not so rejected. Given the amendments to the claims, set forth above, applicants submit that the rejections have all been overcome. Reconsideration and withdrawal of the rejections is therefore requested.

**VI. Conclusion**

In light of the foregoing, applicants submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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